

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BARRY A. VANN,

Plaintiff,

v.

MIKE VANDENBROOK, STEVE HELGERSON
and OFFICER BITTELMAN,

Defendants.

ORDER

09-cv-007-bbc

Plaintiff Barry A. Vann is proceeding on his Eighth Amendment deliberate indifference claim against defendants Mike Vandebrook, Steve Helgersen and Officer Bittelman. On October 9, 2009, defendants filed a motion for summary judgment. Now before the court are plaintiff's motions to stay summary judgment proceedings and to compel discovery.

First, plaintiff states that the motion for summary judgment should be stayed because defendants failed to provide him a copy of their proposed findings of fact. After he filed his motion, plaintiff notified the court that he had received the proposed findings of fact on October 28, 2009 and had begun preparing his response to defendants's motion for summary judgment. However, he states that he cannot complete the response until his discovery issues are resolved.

Plaintiff moves to compel defendants to respond more fully to his second request for production of documents. Defendants respond that plaintiff has been the opportunity to inspect and copy all existing documents that are responsive to his discovery requests except for those to which the defendants have objected. In his motion, plaintiff has not identified any documents which he has not been allowed to inspect. Therefore his motion to compel discovery will be denied. However, I will grant plaintiff an extension of time to respond to defendants' motion

for summary judgment. Plaintiff shall file his response no later than November 23, 2009, and defendants may reply no later than December 3, 2009.

ORDER

IT IS ORDERED that:

1. Plaintiff's motion to stay summary judgment proceedings, dkt. #37, is DENIED.
2. Plaintiff's motion to compel discovery , dkt. # 37, is DENIED.
3. Plaintiff shall file his response to defendants' motion for summary judgment no later than November 23, 2009, and defendants may file a reply no later than December 3, 2009.

Entered this 5th day of November, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge